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Docket No. F-8177

Ser. No. 10/816,017

REMARKS

Claim 5 is pending and has been rejected as being anticipated by either of Felix (US 5792098) or Liu (US 6447490).

A claim is anticipated "only if each and every element as set forth in the claim" is found in a cited prior art reference. *Verdegaul Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987). An anticipating reference must show "the identical invention...in as complete detail as is contained in the claim". *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USP2d 1913, 1920 (Fed. Cir. 1989).

Felix discloses a hand operable portable irrigator (Fig. 1). The portable irrigator comprises a suction hose (20), an air pump (16, 14), and an injection nozzle (12), wherein a liquid supplying body (10) is rigidly connected to the suction hose, injection nozzle, and air pump, the liquid supplying body has an entrance/exit passage (22, 24), and the suction hose is integrally connected to a flange.

In Fig. 1, reference numeral 20 is connected to reference numeral 10, representing the body, the injection nozzle includes a plurality of holes (66) disposed in a radial direction at a front end, and the injection nozzle is connected to a connecting member (Fig. 1, 2; see 36) in a spiral manner. The air pump is installed at a lower side of the entrance/exit passage of the body (14, 16; Fig. 1; wherein the air pump is leaving the body on the lower side).

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In comparison, the first feature of Claim 5 is that the suction hose, the injection nozzle, and the air pump are rigidly connected to the liquid supplying body (6), and the liquid entrance/exit passage (10) divided in three directions for supplying the liquid sucked only to the injection nozzle (5) is formed in the liquid supplying body 6. The Examiner stated that the feature of Felix, in which that the irrigation tubing (20), the suction tubing (14, 16), and the suction irrigation tip (12) are rigidly connected to the handpiece (10) and the handpiece (10) is provided with the suction lumen (22) and the irrigation lumen (24), is similar to the first claimed feature.

However, the liquid entrance/exit passage divided in three directions is not formed in the handpiece, representing the liquid supplying body of Felix. Accordingly, without comparison with other respects of the present invention, the subject matter of Felix is structurally different from that of Claim 5. That is, the irrigation tubing (20) and the suction tubing (16) are separately connected to the hose-structured irrigation lumen (24) and suction lumen (22), and the irrigation lumen (24) and the suction lumen (22) are simply extended from the irrigation tubing (20) and the suction tubing (16). Accordingly, the subject matter of Felix is structurally different from that of the claimed invention provided with the liquid entrance/exit passage, divided into three directions, formed therein.

Particularly, in the claimed invention, the liquid passing through the liquid

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entrance/exit passage (10) flows into the injection nozzle (5) by the hand-manipulated pumping action of the air pump (4). On the other hand, in Felix, the handpiece (10) is hand operable, but the pump, the battery, and the motor are installed in the handpiece (10) and thus the liquid is injected and sucked into the handpiece (10) by the electric action of the handpiece trigger (34). Accordingly, the function and the role of the liquid supplying body (10) having the liquid entrance/exit passage of the claimed invention are different from those of the handpiece (10) of Felix. Therefore, since the structures and the operating principles of the suction lumen (22) and the irrigation lumen (24) of Felix are different from those of the liquid entrance/exit passage (10) of the claimed invention, Felix does not anticipate the claimed invention.

The second feature of Claim 5 is that, as stated above, the suction hose (3) is integrally connected to the flange (7), and the injection nozzle (5) includes a plurality of holes disposed in a radial direction at a front end thereof and is connected to the connecting member (8) in a spiral manner so as to be detachable from the body. On the other hand, in Felix, the irrigation tubing (20) and the suction tubing (16) are separately connected to the irrigation lumen (24) and the suction lumen (22), which have different functions, and the suction irrigation tip (12) is detachably connected to the handpiece (10). However, the suction irrigation tip (12) is detachably connected to the handpiece (10) through the fitting (30) provided with the suction port (26) and the irrigation port (28), and the suction irrigation tip (12) has a double

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structure provided with the suction tube (38) and the irrigation tube (40). Accordingly, the connection structure between the suction irrigation tip (12) and the handpiece (10) of Felix is different from that between the injection nozzle (5) and the flange (7) of the claimed invention, and further, different from the connection between the injection nozzle (5) and the flange (7) through the connecting member (8) in the spiral manner. Further, the suction irrigation tip (12) of Felix has a closed end and a side surface with one or more irrigation hole (66), or, as shown in FIG. 8, has a plurality of holes (68), which are longitudinally disposed in a line, thus being different from the front end of the injection nozzle (5), of the claimed present, having a plurality of holes, which are disposed in a radial direction. Felix discloses that the irrigation liquid is emitted radially from the irrigation tube, but the holes are not disposed in the radial direction. Accordingly, as noted above, the second feature of Claim 5 of the claimed invention is not provided by Felix.

The third feature of Claim 5 is that the air pump (4) for containing the liquid sucked through the suction hose (3) and supplying the liquid to the injection nozzle (5) is installed at a lower side of the liquid supplying body (6). This feature was stated above. As the handpiece (10) of Felix is charged with electricity by the manipulation of the handpiece trigger (34), and the pump, the battery, and the motor are installed in the handpiece (10), the liquid is injected into the handpiece (10) through the irrigation tubing (20), the irrigation lumen (24), and the irrigation tube (40) of the suction irrigation tip (12), and is emitted to the outside through the suction

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tube (38) of the suction irrigation tip (12), the suction lumen (22), and the suction tubing (16), by the electrical action. On the other hand, in the claimed invention, the liquid passing through the liquid entrance/exit passage (10) is supplied to the injection nozzle in one direction by the hand manipulation of the air pump. Accordingly, the subject matter of Felix has a structure which is dissimilar to that of the claimed invention, and has a function and a role, which are different from those of the claimed invention. Thus, the third feature of the claimed invention is also not provided by Felix.

The Examiner stated that the structure of the claimed present invention, in which the air pump is installed at the lower side of the liquid supplying body, is similar to the structure of Felix, in which the suction tubing (16) and the suction source (14) are installed at the lower side of the handpiece (10). However, reference numerals 16 and 14 serve as suction tubing for emitting the waste liquid to the outside of the handpiece (10), thus being incapable of being functioning as the air pump of the claimed invention for pumping the liquid to the injection nozzle by hand.

As indicated by the above description, Felix does not teach and therefore does not anticipate the three features of Claim 5. Thus, Claim 5 is not anticipated by Felix.

Regarding Liu, the reference discloses a hand operable portable irrigator (Fig. 1). The portable irrigator comprises a suction hose (8), an air pump (7), and an

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injection nozzle (Fig. 4), wherein a liquid supplying body (9) is rigidly connected to the suction hose, injection nozzle, and air pump, and the liquid supplying body has an entrance/exit passage (11). The suction hose is integrally connected to a flange (Fig. 3) being disposed in the body, the injection nozzle includes a plurality of holes (15; Fig. 4) disposed in a radial direction at a front end, and the injection nozzle is connected to a connecting member (16, Fig. 4; 12, Fig. 3) in a spiral manner. The air pump is installed at a lower side of the entrance/exit passage of the body (Fig. 3).

With regard to the first feature of Claim 5, the suction hose, the injection nozzle, and the air pump are rigidly connected to the liquid supplying body of the present invention, and the liquid supplying body has the entrance/exit passage. This means a structure of that the liquid entrance/exit passage is divided into three directions so as to communicate the liquid with the above components. This structure embodies a principle whereby liquid sucked through the suction hose is emitted through the injection nozzle by the hand manipulation of the air pump. In Liu, only the tube (8), which transfers the cleaning solution, is connected to the sprayer cap (9), representing the liquid supplying body, but the passage divided in three directions is not formed in the sprayer cap (9). Further, the one-directional airflow switch (10), which allows air coming into the sprayer bottle (7), is not connected to the tube (8), and in order to supply the cleaning solution, the sprayer cap (9) should be separated from the sprayer bottle (7), thus not being

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integrally connected to the sprayer bottle (7). Accordingly, the sprayer cap (9) has a function which is different from that of the liquid supplying body having the liquid entrance/exit passage of the present invention, and a structure which is dissimilar to that of the liquid supplying body of the present invention.

With regard to the second feature of Claim 5, in order to communicate the liquid with the liquid entrance/exit passage of the liquid supplying body to allow the liquid to flow towards the injection nozzle by the manipulation of the air pump, the flange is installed at the front end of the liquid entrance/exit passage and the suction hose is connected to the flange. In Liu, as the portable irrigator does not require that the above passage be divided in the three directions, the tube (8) representing the suction hose is deeply inserted into the sprayer cap (9) and is directly connected to the one-directional liquid-flow switch (11). Thus, the spray cap (9) of Liu's Patent has a structure, which is different from that of the liquid supplying body of the claimed invention. The holes formed through the injection nozzle of the present invention are disposed in a radial direction, but multiple small holes (15), which are formed through the spray head (14) of Fig. 4 of Liu, are not disposed in the radial direction but are scattered throughout the outer wall of the hollow tube so as to allow the cleaning solution to be sprayed into all parts of the vaginal cavity. Accordingly, the holes of Liu are disposed in a form which is different from that of the holes of the claimed invention. Further, in the claimed invention, the injection

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nozzle is connected to the connecting member (8) in a spiral manner to surround the liquid entrance/exit passage of the connecting member (8) in consideration of the flow direction of the liquid. In Liu, on the other hand, the sprayer head (14) is inserted into the one-directional liquid flow switch (11) and thus the cleaning solution can leak from a gap between the sprayer head (14) and the flow switch (11). Accordingly, the connecting method of the sprayer head (14) to the flow switch (11) of Liu is different from the connecting method of the injection nozzle to the connecting member of the present invention.

With regard to the third feature of Claim 5, the air pump is installed at a lower side of the liquid entrance/exit passage of the liquid supplying body, and serves to emit the liquid passing through the liquid entrance/exit passage towards the injection nozzle. However, in Liu, the sprayer bottle (7) serving as an air pump, is located under the sprayer cap (9) representing the liquid supplying body, but directly contains the cleaning solution and includes the tube (8) therein. **The sprayer bottle (7) must be entirely taken in operator's hand, thus being inconvenient in handling compared to the air pump of the claimed invention which has the form of a handle of a gun.** Accordingly, the structure of the claimed invention differs from the structure of the reference.

Further, the irrigator of the claimed invention has the form of a gun in which the air pump serves as a handle, but the irrigator of Liu has the form of a straightly standing bottle. Thus, the two irrigators have different external structures. The two

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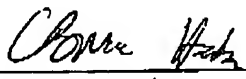
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irrigators respectively comprise basic elements, such as the injection nozzle, the suction hose, and the air pump, but have different connection manners between the components, structures of the components, and operating principles of the components. Accordingly, Claim 5 is not anticipated by Liu.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

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